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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant : DONALD L. SMOTHERS**  
**Serial No. : 10/717,389**  
**Filed : November 19, 2003**  
**For : FOOT TREATMENT METHOD AND COMPOSITION**

**DECLARATION VERIFYING SMALL ENTITY STATUS**  
**UNDER 27 C.F.R. 19(f) AND 1.27(b)**

**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA. 22313-1450**

**Dear Sir:**

As a named inventor, I hereby state that I qualify as an independent inventor as defined in 37 C.F.R. 1.9 (c) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-identified patent.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 27 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9 (e). Any person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is identified below:

I hereby certify that this correspondence is being deposited with the United States Postal Service as:

~~EXPRESS MAIL LABEL NO.~~ \_\_\_\_\_  
in an envelope addressed to: Box Applications,  
COMMISSIONER FOR PATENTS, P.O. Box 1450,  
Alexandria, VA 22313-1450 on: April 15/04

TOD R. NISSE 4-15-04  
TOD R. NISSE, Reg. No. 29,241 DATE

Certified 7003 1680 0004  
4359 2493  
Rtn Recpt Rgt.

1 Full Name: N/A

2 Address: \_\_\_\_\_

3  
4 ☐ Individual ☐ Small Business ☐ Non profit Organization

5  
6  
7 Full Name: N/A

8 Address: \_\_\_\_\_

9  
10 ☐ Individual ☐ Small Business ☐ Non profit Organization

11  
12 I acknowledge the duty to file, in this patent, notification of any change in status  
13 resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the  
14 earliest of the issue fee or any maintenance fee due after the date on which status as a small entity  
15 is no longer appropriate. [37 C.F.R. 1.28(b)]

16  
17 I hereby declare that all statements herein of my own knowledge are true and that all  
18 statements made on information and belief are believed to be true; and further that these statements  
19 were made with the knowledge that willful false statements or the like so made are punishable by fine  
20 or imprisonment, or both, under §1001 to Title 18 of the United States Code, and that such willful false  
21 statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to  
22 which this verified statement is directed.

1 Name of Inventor: DONALD L. SMOTHERS  
2 Address: 1350 Apache Trail  
3 Terrell, Texas 75160  
4 Signature: Donald L. Smothers  
5 Date: 4-1-04  
6  
7  
8 Name of Inventor: N/A  
9 Address: \_\_\_\_\_  
10 \_\_\_\_\_  
11 Signature: \_\_\_\_\_  
12 Date: \_\_\_\_\_  
13  
14  
15  
16 Attorney's Docket No.: 875-P-1  
17  
18 TOD R. NISSLE, Reg. No. 29,241  
19 TOD R. NISSLE, P.C.  
20 P.O. Box 55630  
21 Phoenix, AZ 85078  
22 (602) 494-8700 Tel  
23 (602) 494-8707 Fax  
24 nissle@nissle.com  
25  
26  
27  
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DECLARATION, POWER OF ATTORNEY, AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FOOT TREATMENT METHOD AND COMPOSITION the specification of which:

(check one)        is attached hereto. XX was filed on November 19, 2003 as Application Serial No. 10/717,389 and was amended on                                  (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119; 365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>N/A</u>			<u>                                </u>	
(Number)	(Country)	Day/month/year filed	Yes	No
<u>N/A</u>			<u>                                </u>	
(Number)	(Country)	Day/month/year filed	Yes	No
<u>N/A</u>			<u>                                </u>	
(Number)	(Country)	Day/month/year filed	Yes	No

I hereby certify that this correspondence is being deposited with the United States Postal Service as:

~~NO~~ EXPRESS MAIL NO. 7

in an envelope addressed to: Attn. Applications

COMMISSIONER OF PATENTS, P.O. Box 1450

Alexandria, VA 22313-1450 on: April 15/04

[Signature] 4-15-04

TOD R. NISSELE, Reg. No. 29,241 DATE

\* Certified 7003 1680 0004  
4359 2493

Rtn Rec Regt

1 I hereby claim the benefit under Title 35, United States Codes §120 of any United States  
2 application(s) listed below and, insofar as the subject matter of each of the claims of this application  
3 is not disclosed in the prior United States application in the manner provided by the first paragraph  
4 of Title 35, United States Code §112, I acknowledge the duty to disclose material information as  
5 defined in Title 37, Code of Federal Regulations §156(a) which occurred between the filing date of the  
6 prior application and the national or PCT international filing of this application:

7 N/A

(Application Serial No)	(Filing Date)	(Status) (patented, pending, abandoned)
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8 N/A

(Application Serial No)	(Filing Date)	(Status) (patented, pending, abandoned)
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10 I hereby claim the benefit under Title 35, United States Code §119 (e) of any United States  
11 provisional applications listed below, and insofar insofar as the subject matter of each of the claims  
12 of this application is not disclosed in the prior United States provisional application in the manner  
13 provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to  
14 disclose material information as defined in Title 37, Code of Federal Regulations §156(a) which  
15 occurred between the filing date of the prior application and the national or PCT international filing  
16 of this application:

17 N/A

(Provisional Application Serial No)	(Filing Date)	(Status - pending)
-------------------------------------	---------------	--------------------

18 N/A

(Provisional Application Serial No)	(Filing Date)	(Status - pending)
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20 I hereby declare that all statements made herein of my own knowledge are true and that all  
21 statements made on information and belief are believed to be true; and further that these statements  
22 were made with the knowledge that willful false statements and the like so made are punishable by  
23 fine or imprisonment, or both, under § 1001 of the United States Code and that such willful false  
24 statements may jeopardize the validity of the application or any patent issued thereon.

1           **And I hereby appoint:**

2                   **Tod R. Nissle, Esq. Reg. No. 29,241**

3                   **TOD R. NISSELE, P.C.**

4                   **P.O. Box 55630**

5                   **Phoenix, Arizona 85078**

6                   **Tel: (602) 494-8700**

7                   **Fax: (602) 494-8707**

8                   **Email: nissle@nissle.com**

9           **my attorney and with full power of substitution and revocation, to prosecute this application and to**  
10           **transact all business in the United States Patent and Trademark Office connected therewith.**

11           **Wherefor I pray that Letters Patent be granted to me for the invention or discovery described**  
12           **and claimed in the foregoing specification and claims, and I hereby subscribe my name to the**  
13           **foregoing specification and claims, declaration, power of attorney, and this petition.**

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Full name of sole or first inventor: DONALD L. SMOTHERS

Inventor's signature: *Donald L. Smothers* Date: 4-1-04

Residence: 350 Apache Trail, Terrell, Texas 75160

Citizenship: UNITED STATES OF AMERICA

Post Office Address: Same

Full name of second inventor: N/A

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

(Supply similar information and signature for third and subsequent joint inventors)

Attorneys Docket No.: 875-P-1

Tod R. Nissle, Esq.  
Reg. No. 29,241  
TOD R. NISSLER, P.C.  
P.O. Box 55630  
Phoenix, Arizona 85078  
Tel: (602) 494-8700  
Fax: (602) 494-8707  
Email: nissle@nissle.com